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7 *Attorneys for TWG Management, LLC*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JGSM ENTERTAINMENT CORP., a Delaware
11 corporation,

12 Plaintiff,

13 v.

14 TWG MANAGEMENT, LLC, a Nevada limited
liability company; TOM WACKMAN, an
15 individual resident of Wisconsin; DOES I-X,
ROE ENTITIES XI-XX; inclusive,

16 Defendants.

Case No.: 2:17-cv-02915-KJD-NJK

**TWG MANAGEMENT, LLC'S
STATEMENT CONCERNING REMOVAL**

Hon. Kent J. Dawson

17 In compliance with the Court's order of November 21, 2017 (ECF No. 3), defendant TWG
18 Management, LLC ("TWG") files this statement regarding removal.

19 **1. Date Complaint and Summons Were Served:**

20 TWG was served with the complaint and summons on October 31, 2017.

21 **2. Diversity Jurisdiction:**

22 Citizenship of the Parties: The only defendant served in this action is TWG, a Nevada
23 limited liability company that is a citizen of Wisconsin because its sole member and owner, Thomas
24 Wackman, is a citizen and resident of Wisconsin. *See Johnson v. Columbia Properties Anchorage,*
25 *LP*, 437 F.3d 894, 899 (9th Cir. 2006) (holding that, for the purposes of diversity jurisdiction, an
26 LLC is a citizen of every state of which its owners/members are citizens). Mr. Wackman is a
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1 defendant in this action but has not yet been served with process. Plaintiff alleges it is a citizen of
2 Delaware and Nevada.

3 Summary of Evidence on the Amount in Controversy:

4 Plaintiff's Complaint establishes that the amount in controversy exceeds the sum of
5 \$75,000.00. *See* 28 U.S.C. § 1332(a). Plaintiff's action seeks damages related to an investment in a
6 nightclub in Chicago, Illinois. Plaintiff asserts eleven (11) counts against the defendants, including
7 breach of oral contract, breach of fiduciary duty, fraud, and equitable claims for the defendants'
8 alleged failure to follow through on the business investment in the nightclub. Specifically, Plaintiff
9 seeks damages "in excess of Eight Hundred Thousand Dollars (\$800,000.00)" based on Plaintiff's
10 capital contribution to the nightclub investment. Complaint, Exhibit A to ECF No. 1, at ¶¶ 27, 91,
11 93. Plaintiff also alleges that the defendants breached their fiduciary duties to Plaintiff for, among
12 other things, failing to include the Plaintiff on a lien TWG filed for \$1,128,047.46, 66% of which
13 (\$744,511.32) Plaintiff claims accounts for its capital contribution to the nightclub investment. *Id.* at
14 ¶¶ 44-46, 67. Other counts seek additional monetary relief, as well as equitable relief. The amount in
15 controversy exceeds \$75,000.00.

16 **3. Time for Removal:**

17 TWG's petition for removal was filed 30 days following service of the summons and
18 complaint.

19 **4. Action Commenced More Than One Year Before Date of Removal:**

20 Not applicable. This action was not removed more than one year after commencement in
21 state court.

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5. **Name(s) of Any Defendant(s) Known to Have Been Served Before Removal Filed:**

TWG is the only defendant served before the notice of removal was filed.

A copy of the Court's order concerning removal, ECF No. 3, is being served upon all appearing parties by being attached to this statement as Exhibit A.

DATED December 5, 2017.

AKERMAN LLP

/s/ Natalie L. Winslow

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 2017, service of the foregoing **TWG MANAGEMENT, LLC'S STATEMENT CONCERNING REMOVAL** was made pursuant to FRCP 5(b) and electronically transmitted to the Clerk's Office using the CM/ECF system for filing and transmittal to all interested parties.

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